

REMARKS

This amendment is in response to the Office Action of May 19, 2003 and the Notice of March 1, 2004, and is being filed with an RCE application.

A. Change of Correspondence Address

At the outset, Applicants appreciate the courtesy of the Examiner in discussing the status of the above-captioned patent application. As noted in these discussions, a Notice was mailed by the Patent Office to 605 Third Avenue, New York, NY on March 1, 2004. However, attorneys for applicant never received this Notice, as the correct address for the attorneys for applicant at that time was 685 Third Avenue, New York, NY.

Attorneys for applicant filed a Change of Correspondence Address with the above-captioned application on March 3, 2003 (received and stamped by the Office of Initial Patent Examination ("OIPE") on March 10, 2003) requesting that the correspondence address for this application be changed to 685 Third Avenue, New York, NY and further requesting that the correspondence address be changed to correspond with Customer Number 29540. Attorneys for applicant also filed a second Change of Correspondence Address on November 18, 2003 (received and stamped by OIPE on November 20, 2003) again requesting that the correspondence address for this application be changed to 685 Third Avenue, New York, NY; and a third Change of Correspondence Address on February 3, 2005 (received and stamped by OIPE on February 7, 2005) requesting that the correspondence address be changed to 7 Times Square, New York, NY 10036-7311.

It appears that no Notice of Abandonment has been filed for this application. Subsequent

to the above-referenced conversation with the Examiner, Applicants filed a fourth Change of Correspondence Address on February 1, 2006, which was received by OIPE that day. Once this fourth Change of Correspondence Address was entered, Applicant's attorneys were able to access this application on private PAIR, and realized (in conjunction with conversations with the Examiner) that the Notice of March 1, 2004 had been mailed to the wrong address notwithstanding Applicant's repeated filings of a Change of Correspondence Address prior and subsequent to March 1, 2004. Copies of each of these Change of Correspondence Address forms are attached herewith as Exhibit A.

II. Amendment of Drawing and Claims

A proposed change to Figure 3 is shown in red herein. It is respectfully submitted that this change is supported by page 15, line 13 of the specification. Figure 3 has been labeled in the top margin as a "Replacement Sheet" pursuant to 37 CFR §1.121. It is respectfully submitted that no new matter is added. A copy of pages 1 to 13 of the formal drawings is attached herewith as Exhibit B.

The Office Action rejected Claims 16, 18 and 20-22 under 35 U.S.C. §102(e) as anticipated by the Samuels reference. Similarly, the Office Action rejected Claims 17, 19 and 23 under 35 U.S.C. §103(a) as obvious over the Samuels reference in combination with the Garr reference; rejected Claims 13 and 14 under 35 U.S.C. §103(a) as obvious over the combination of the Samuels and Awa references; rejected Claim 15 as obvious over the combination of the Samuels and Garr references; rejected Claims 1, 3 and 6 under 35 U.S.C. §103(a) as obvious over the combination of the Samuels and Yano and/or Owa references; rejected Claims 2, 4, 5 and 7-10 under 35 U.S.C. §103(a) as obvious over the Samuels, Yano and/or Owa references in combination with the Garr reference; and rejected Claims 11-12 under 35 U.S.C. §103(a) as

obvious over the Samuels, Yano and/or Owa, in combination with the Brown, Jr. reference.

In response to these prior art rejections, Claim 1 has been amended to further recite:

data-transmitting means for transmitting the print data to the printer only if the determining means has determined that the remaining ink amount is sufficient to complete the print operations based on the print data, wherein the printer performs the print operations based on the print data transmitted from the data-transmitting means

Similar amendments have been made to Claims 13, 14 and 16. It is respectfully submitted that no new matter has been added.

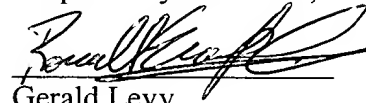
III. Response to Notice

In response to the Notice of March 1, 2004, Applicants submit herewith (1) a complete set of the formal drawings, with Figure 3 labeled in the top margin as "Replacement"; and (2) a complete "Listing" of all of Claims 1-23 pending in the above-identified application. A copy of the Notice is attached herewith as Exhibit C. The new listing presents Claims 17-23 which were inadvertently omitted from the Amendment Filed with RCE filed on February 6, 2004.

In view of the above, Applicants submit that the amendment is now compliant. However, if for some reason the amendment is not considered compliant, it is respectfully requested that the undersigned attorney be contacted so that additional corrections may be entered.

Applicants do not believe any fees are due. However, if any fees are due, please charge such sums to our Deposit Account 50-1145.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Gerald Levy", is written over a horizontal line.

Gerald Levy

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In the Drawings:

Please amend Figure 3 as shown in red in the attached copy thereof. No new matter has been added. Figure 3 has been labeled in the top margin as "Replacement Sheet."